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SUBJECT: AMBASSADOR DICARLO MEETS WITH THE ICTY'S PRESIDENT
PATRICK ROBINSON

¶1. (U) SUMMARY: On Tuesday, December 1, Ambassador DiCarlo met with Judge Patrick Robinson, the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the ICTY's Chef de Cabinet, Gabrielle McIntyre. Robinson addressed several issues including retention of the ICTY's staff, apprehension of Ratko Mladic and Goran Hadzic, the declassification of the ICTY's documents, and an upcoming conference on the ICTY's legacy issues to be held in The Hague in February, 2010. END SUMMARY.

¶2. (U) Judge Robinson stressed the ICTY's problem with staff retentions and said that the ICTY is losing one staff person per day. He said that extending the contracts of personnel as far into the future as possible will help and asked Ambassador DiCarlo to support his request to extend the terms of some of the ICTY's judges until 2012. Ambassador DiCarlo responded that the United States has, in the past, supported such requests and would likely support the current one. McIntyre explained that the ICTY has not experienced actual gaps in personnel due to a "pool" of candidates for the various positions. She did say, however, that despite the ability the ICTY has to replace individuals quickly, the learning curve that new employees face takes a minimum of six months before they are fully contributing.

¶3. (U) Robinson mentioned a conference that the ICTR will host in The Hague, February 23-24, 2010 on the Residual Mechanism (RM) and legacy issues and said that he thought it would be helpful for the Security Council members of the Working Group in New York to participate.

¶4. (SBU) With respect to the two remaining fugitives, Ratko Mladic and Goran Hadzic, Robinson said that it would be ideal if both were apprehended before the ICTY closes. He said that he was optimistic, after he visited Serbia in June, that Mladic would be found as said he had heard a rumor that Mladic has some physical ailments that might force him to surface. Robinson, concerned that the European Union (EU) might be softening its position that Serbia has to produce the two fugitives before it is allowed into the EU, said this would be unfortunate. He also added that he thought the Netherlands might even be softening a bit on this issue which was surprising to him. Ambassador DiCarlo said she had hoped the Serbian government would be a little more active on the issue.

¶5. (U) Judge Robinson said that the work the ICTY has started to do to declassify the Tribunal's documents is extremely labor intensive and questioned its usefulness and necessity. Saying that he was asked to do so by the Security Council, he wondered whether the Security Council might adjust its tasking so that the work he carries out is more practical and useful. He was clear to point out that he was referring to documents other than those that fall under Rule 70, but added that 40 to 50 percent of the documentation pertains to protected witnesses and that so far the ICTY has had some 5000 witnesses.

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